



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,859	11/20/2003	Richard R. Boland	Bolland 11-28 (13436.285)	2921
24283	7590	10/20/2005	EXAMINER LE, DANH C	
PATTON BOGGS 1660 LINCOLN ST SUITE 2050 DENVER, CO 80264			ART UNIT 2683	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,859	Applicant(s) BOLAND ET AL.	
	Examiner DANH C. LE	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 8-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 5 of the specification, after the number 5, "3" should be "blank".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3, 8 are rejected under 35 U.S.C. 102(b) as being anticipate by Houde (US 5,797,094).**

As to claim 1, Houde teaches a message waiting indication update feature, operable in a cellular communication network, for maintaining a count of the unread messages stored for a subscriber who uses a mobile subscriber wireless communication device, comprising:

subscriber profile means for storing data indicative of a present count of unread messages for said subscriber (col.5, lines 38-59);

border condition determining means for identifying that a cell last accessed by said mobile subscriber wireless device is on a border with a Mobile Switching Center other than the serving Mobile Switching Center (col.6, lines 12-50 and figure 6);

Mobile Switching Center message indication means, responsive to the presence of unread messages in excess of those identified in said present count of acknowledged unread messages for said subscriber, for transmitting data to said other Mobile Switching Center (figure 6).

As to claim 2, Houde teaches the message waiting indication update feature of claim 1 further comprising:

message indication means, responsive to the present of unread messages in excess of those identified in said present count of acknowledged unread messages for said subscriber, for transmitting data to said subscriber indicative of a present count of unread messages for said subscriber; and

subscriber acknowledgement means for storing data indicative of a present count of acknowledged unread messages for said subscriber (col.7, line 33-col.8, line 11);

As to claim 3, Houde teaches the message waiting indication update feature of claim 1 further comprising:

Home Location Register means, associated with said subscriber's home Mobile Switching Center, for maintaining a profile for said subscriber comprising a set of data that identifies said subscriber, service authorizations for said subscriber, said data indicative of a present count of unread messages for said subscriber, and data indicative of a present count of acknowledged unread messages for said subscriber (col.5, lines 38-59).

As to claim 8, Houde teaches the system of claim 1 further comprising the Home Location Register update means, responsive to a change in said data indicative of a

Art Unit: 2683

present count of unread messages for said subscriber, for transmitting said data indicative of a present count of unread messages for said subscriber, and said data indicative of a present count of acknowledged unread messages for said subscriber to said serving Mobile Switching Center (col.9, lines 26-56).

Allowable Subject Matter

Claims 4-7, 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 9, the teaching of prior art fails to teach registration means, operable in a serving Mobile Switching Center and responsive to said subscriber initiating a registration process from a mobile subscriber wireless communication device at said serving Mobile Switching Center, for transmitting a registration request message to said Home Location Register means, associated with said subscriber's home Mobile Switching Center, and

registration indication result means for transmitting said data indicative of a present count of unread messages for said subscriber, and said data indicative of a present count of acknowledged unread messages for said subscriber to said serving Mobile Switching Center.

As to claim 9, the teaching of prior art fails to teach register update means for storing said data indicative of a present count of unread messages for said subscriber, and said data indicative of a present count of acknowledged unread messages for said

Art Unit: 2683

subscriber in a visited location register associated with said serving Mobile Switching Center.

Dependent claims 5-7, 10-12 are objectable for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Bilgic (US 6,751,456) teaches communication control for a user of a central communication center.

B. Fuller et al (US 6,453,164) teaches intelligent telephone control system which allows subscriber to remotely control a plurality of handling utilities.

C. Hurst et (US 5,664,009) Voice mail notification system.

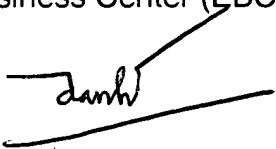
D. Lorello et al (US 2004/0224706) teaches intelligent queue for information teleservice messages with superceding updates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line.

September 22, 2005.

DANH CONG LE
PATENT EXAMINER